

that "the outer side portion being shaped and configured so that the wheel cannot pass through the outer side portion". The rejection indicates that this unconditional description is not taught by the specification since some extraordinary conditions are possible in which the wheel would pass through the outer side portion. The Applicant has added the conditional limitation "during winter driving conditions" to the claims.

In the Office Action, Claims 1, 2, 4, 6, 7 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wollheim (US 1,910,416) in view of Haye (US 3,770,035). The Applicant respectfully disagrees with and traverses this rejection.

Neither Wollheim or Haye disclose the claimed feature of an endless annular belt. In Wollheim the tire cover surrounds most of the wheel. However, an annular belt intended to encircle the outer circumference of the wheel is not disclosed. This separate feature is important because it provides a connecting edge between the belt and the outer and inner side portions which contributes to the fit of the device on the wheel and helps to prevent the device from slipping off the rotating wheel in use. Haye discloses a belt, but it is only a partial belt covering the upper and side portions of tandem wheels. It is not an endless annular belt.

Furthermore, the Applicant considers the combination of these two references to be improper hindsight reasoning. Both references relate to wheel covers for wheels that are not in driving use. Wollheim's cover is for a spare tire, and Hayes cover is for tandem wheels. A spare tire obviously is not mounted to an axle and used on a vehicle. Also, it is obvious that the Hayes cover would not be able to rotate with the tandem wheels if put into driving use.

The claimed invention is for a device mounted on a wheel in driving use. A person skilled in the art would not look to the Wollheim and Hayes references when designing such a device since the covers of Wollheim and Hayes are only intended to protect the wheels from dust, dirt and moisture, and would not be used on a wheel in driving use.

Furthermore, there is no teaching, disclosure or motivation in either reference to adapt the partial belt in Haye to the cover in Wollheim, to form an endless annular belt for a single tire suitable for driving use.

In the Office Action, Claims 1, 2, 6 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by Krueger (US 2,682,907). The Applicant respectfully disagrees with this rejection. The claims have been amended to indicate that the outer side portion is "non-elastically deformable". Krueger discloses an elastic band on each side portion. Therefore, the rejection based on Krueger is overcome since the non-elastically deformable outer side portion is not taught.

In the Office Action, Claims 1, 2, 4, 6-8 and 22 are rejected as being unpatentable over Krueger in view of Wollheim. The Applicant respectfully disagrees with this rejection. Neither reference discloses the non-elastically deformable outer side portion. Furthermore, as argued above, the combination of the Wollheim reference is considered improper since that reference only teaches a wheel cover for a wheel not in driving use.

In the Office Action, Claim 2 is rejected as being unpatentable over Krueger and optionally Wollheim in view of JP 1-249503. This rejection is considered overcome by the cancellation of Claim 2.

In the Office Action, Claims 5 and 21 are rejected as being unpatentable over Krueger and optionally Wollheim in view of DE 2355291. The Applicant respectfully disagrees with this rejection. In Claims 5 and 21, the outer side portion is made of a netting material. DE 2355291 discloses using a netting material for the belt portion to improve traction, similar to the use of chains on a wheel. Therefore, the Applicant does not consider the features of Claims 5 and 21 to be disclosed by DE 2355291.

The Applicant has added new Claims 23-25 in which the belt is made from an uncoated textile material. Support for these new claims may be found throughout the specification, and particularly on page 4, lines 21-22. With regard to DE 2355291, the Applicant does not consider the netting material

disclosed therein to be equivalent to the claimed textile material. The definition of a textile material is a fabric made by weaving, knitting, etc.; cloth. Netting is considered neither a fabric or a cloth. Netting has large openings therethrough while fabric or cloth does not. The surprising result of using a textile material for the belt is that increased traction is achieved without the openings created by netting or wheel chains that provide for edges that can bite into slippery driving surfaces.

With regard to Krueger, for each disclosed embodiment the description indicates that the outer surfaces that contact the ground are coated/impregnated with abrasive particles such as aluminum oxide, in order to increase traction. There is no disclosure that an uncoated textile material may also be used to increase traction.

In the Office Action, Claims 10-19 are rejected as being unpatentable over Krueger and optionally Wollheim as applied to Riggs (US 5,439,728), Peterson (US 3,335,776) and DE 2355291. The Applicant considers these dependent claims to be novel at least for the reasons given above with regard to independent Claim 1.

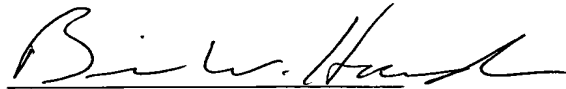
In the Office Action, method Claim 20 is rejected as being unpatentable over Krueger and optionally Wollheim in view of Asano (WO 86/00579) and Bowler (US 3,007,506). The Applicant respectfully disagrees with this rejection at least for the reasons given above with regard to independent Claim 1. Furthermore, both Asano and Bowler teach a break in the belt portion so that their devices may be fitted around the wheel in the longitudinal direction of travel of the wheel. However, Claim 20 claims fitting the device from the outer side of the wheel, without creating a break in the belt.

The Applicant is also submitting herewith a production sample of invention and a demonstration of the invention on CD-ROM. The Applicant hopes these materials will aid the Examiner in understanding the invention.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this

application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian W. Hameder", written over a horizontal line.

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Date

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